

### **REMARKS/ARGUMENTS**

This communication is responsive to Office Action of November 16, 2004 in which the following objections were raised: [2] the specification was objected to; [3] the title was objected to; [4] the claims were objected to; [5-8] Claims 1,7,10, 17 were rejected under 35 U.S.C. 102(e) as being anticipated by Mao et al. (U.S. Pat. No. 6,459,427); [9-14] Claims 2-3, 11-13, 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Zigmond et al. (U.S. Patent No. 6,785,902); [15-18] Claims 4-6, 14 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Cordell (U.S. Pat. No. 6,031,989); [19-20] Claims 8, 15, 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Boyer et al. (U.S. Pub. No. 2004/0128686); [21-22] Claims 9, 16, 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Seazholtz et al. (U.S. Pat. No. 5,812,786).

Applicant has amended Claims 1-23.

#### **2-3 OBJECTIONS TO THE SPECIFICATION**

The specification was objected to by the Examiner.

Applicant has amended the specification to overcome the objection.

#### **3 OBJECTIONS TO THE TITLE**

The Title was objected to by the Examiner.

Applicant has amended the Title to overcome the objection.

#### **4 OBJECTIONS TO THE CLAIMS**

The Claims were objected to due to informalities

Applicant has corrected the error in the dependency of Claim 23 as suggested by the Examiner. Applicant has also amended to lowercase each occurrence of the word 'claim' within the body of the Claims as required by the Examiner.

**5-8     REJECTION OF CLAIMS 1,7,10,17 UNDER 35 U.S.C. 102(e)**

Claims 1,7,10, 17 were rejected under 35 U.S.C. 102(e) as being anticipated by Mao et al. (U.S. Pat. No. 6,459,427).

Examiner has characterized the Mao reference as having MPEG channels equivalent to the "...*Applicant's browser instances ...because both are used to display web pages retrieved from the internet.*" (Office Action of 11/16/2004 at page 4).

Applicant respectfully rejects this characterization of the Mao reference. The Mao reference teaches one way transport of the data required to generate a web page, e.g. HTML source code, tags, data etc. from a cable headend to each individual users home, and specifically the set top box at each home. Mao's data is broadcast from the headend "...in hypertext markup language (HTML) to all consumers..."(Mao at col. 4, lines 33-35, emphasis added). There is no browser application at the cable head end in the Mao reference, therefore no way to convert HTML source code, e.g. HTML tags from the HTTP proxy module server to a corresponding web page at the cable head end (emphasis added).

The Examiner has characterized the Mao's HTTP proxy server module as "...*capable of capturing web images*". (Office Action of 11/16/2004 at page 4). Applicant respectfully rejects this characterization of the Mao reference in as much as it fails to distinguish between an image of an assembled web page which Mao's HTTP proxy server is decidedly not capable of capturing and one or more images which may be linked to by HTML <IMG SRC="..."> tag within a web page. Mao's HTTP proxy server "...performs HTML data fetching...from the Internet..." (Mao at col. 6, lines 16-22, emphasis added). This data is then broadcast from the headend "...in hypertext markup language (HTML) to all consumers..."(Mao at col. 4, lines 33-35, emphasis added). Functionality on the client side in the Mao disclosure, includes an HTTP engine (Mao at col. 6, lines 7-8) and protocols for extracting Web data and a browser for navigating among various options. (Mao at col. 6,

lines 34-51). The Mao reference requires for viewing of web pages an expensive and complex set top box with an integrated HTTP engine and browser application at each customer premise, which is directly opposite to the Applicant's claimed invention which requires no browser at the customer premises to view an image of a web page generated at a web content server located at a cable headend.

In the rejection of Claim 7, the Examiner has also characterized the Mao reference as teaching the storing of personal options and channel information and has cited in support of same Col. 6, lines 31-61 of the Mao patent. The cited portions of the Mao reference refer to the above discussed browser functionality in Mao's set top boxes which presumably allows a user to select a web page for viewing. All activity takes place solely on the set top box at the subscribers premises and does not in any way alter content delivered from the cable headend. The applicant's amended Claim 7 is directed to an administrative module and database located at the cable headend, accessible to an administrator, and used to quickly provision new content or edit existing content, neither of which capabilities are disclosed anywhere in the Mao reference.

Applicant has amended Independent Claims 1, 10 and 17 to include limitations neither of which are disclosed in the Mao reference, specifically a browser application on a web content server located at a television headend and an image capture module also located at the television headend which capture successive images of the web page displayed by the browser application for delivery to subscriber televisions as a corresponding channel, as follows:

*"a web content server located at the television headend and including:*

- a browser application including at least one instance of the browser application displaying a web page;*
- an image capture module coupled to the at least one instance of the browser application to capture successive images of the web page displayed thereby; and*
- an image compressor to compress the successive images captured by the image capture module from the at least one instance of the browser application for*

*delivery to the plurality of subscriber televisions as a corresponding television channel.*” (Applicant’s amended Claim 1, emphasis added).

Similar limitations are found in independent Claims 10 and 17.

Applicant therefore respectfully for the reasons discussed above that neither the browser nor the image capture module limitations are disclosed in the Mao reference and therefore are not anticipated by same. Applicant therefore requests that the rejection be withdrawn as to Claims 1, 7, 10, and 17.

#### **9-14 REJECTION OF CLAIMS 2-3,11-13, 18-20 UNDER 35 U.S.C. 103(a)**

Dependent Claims 2-3, 11-13, 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Zigmond et al. (U.S. Patent No. 6,785,902).

The Zigmond reference is directed solely to a complex and expensive set top box for use in a subscriber premises in interpreting and building documents from a stream of HTML pages and video feeds using a new HTML tag which identifies a TV channel as a source. *“Internet terminals, such as those pioneered by WebTV...provide Web access ...[using] terminals (also-commonly referred to as set-top boxes) ...using an ordinary-television (TV) set as a display...to view Web content, watch television, or simultaneously do both by displaying broadcast TV within a window of a web page.”* (Zigmond at col. 2, lines 11-18). The document builder disclosed by the Zigmond reference exists in the web terminal, a.k.a. set top box at the subscribers premises.

The Applicant’s amended Claims 2-3, 11-13, 18-20 are directed to setup records and processing of same by various modules of the Applicant’s novel web content server located at the television headend. These setup records control browser instances and the image processing related to same for delivery to subscriber televisions as discrete television channels. Neither the Mao nor the Zigmond reference disclose such head end setup records and related content provisioning processes. The Applicant therefore respectfully requests that the Examiner withdraw the rejections of the above Claims 2-3,11-13, and 18-20.

**15-18 REJECTION OF CLAIMS 4-6, 14, 21 under 35 U.S.C. 103(a)**

Dependent Claims 4-6, 14 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Cordell (U.S. Pat. No. 6,031,989). The Examiner has cited the Cordell reference as teaching an inline or floating frame identified with an <IFRAME> type HTML tag on a client's browser. Applicant concurs with that characterization to the limited extent stated herein. There is however no teaching in the Cordell reference of script used to alter the content of the inline frame. Additionally, none of the teaching in the Cordell reference is directed to a television headend or content generation thereon.

With the exception of rejected Claim 5, all of the rejected Dependent Claims under this subpart have been amended to include limitations not disclosed in any of the references, including novel setup records (Claims 4) and a novel multiplexer (Claims 6, 14, 21). Claim 5 as amended includes a script which identifies a set of web pages and corresponding upload interval for each of the web pages in the set into a frame. This feature is not disclosed in the Cordell or Mao reference and therefore is not obvious in view of same for the reasons discussed above.

Applicant respectfully requests that the rejection of Claims 4-6, 14 and 21 be withdrawn both by reason of the amendments discussed above.

**19-20 REJECTION OF CLAIMS 8,15, 22 UNDER 35 U.S.C. 103(a)**

Claims 8, 15, 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Boyer et al. (U.S. Pub. No. 2004/0128686). The Examiner has cited the Boyer reference as disclosing an Internet television guide which allows the user to reload the cyclic image displayed at his or her convenience. The Applicant respectfully rejects this characterization of the Boyer reference.

The Boyer reference discloses a web page of program listings which is displayed in a users browser on their computer. The browser includes a reload icon which as with any browser will reload a page when clicked by a user.

The Applicant's invention is by contrast directed in the rejected Dependent Claims to a web content server at a television headend which includes responsiveness to setup records in a database to control the image capture interval (Claim 8) or the reload interval (Claims 14, 21) of each corresponding browser instance at the television headend. In the Applicant's invention a browser need not be part of the users television in order to view web content. The user views web content by selecting a television channel on which images of web pages are displayed. Therefore, the user can not reload a web page in the Applicant's invention because the user need not have direct interaction with or control over the operation of the browser instances or the processing thereof at the television headend.

Since none of the cited references singly or in combination disclose the setup records or related processes which are the subject of the rejected Claims 8, 15 and 22. The Applicant therefore respectfully requests that the Examiner withdraw the rejection of Claims 8, 15, and 22.

**21-22 REJECTION OF CLAIMS 9,16,23 UNDER 35 U.S.C. 103(a)**

Claims 9, 16, 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Seazholtz et al. (U.S. Pat. No. 5,812,786). The Examiner has cited the Seaholtz reference as teaching the user control of a bit rate of a video on demand system. Applicant respectfully rejects the Examiner's characterization of the Seaholtz reference.

The Seaholtz reference discloses subscriber control of ADSL modem line rates. The fact that the subscriber line may be used to provide video on demand is incidental to the disclosure.

The Applicant's rejected Dependent Claims, as amended, are directed to setup records in a database at a television headend and the interaction of a controller with same to control either image quality or refresh frequency (Claim 9) or image capture interval (Claims 16, 23) of a succession of images of each browser instance.

Neither the Seaholtz nor Mao references singly or in combination teach or suggest the Applicant's novel setup records which are among the limitations in the amended Claims 9, 16

and 23. The Applicant therefore respectfully requests that the Examiner withdraw the rejection as to these Claims.

**CONCLUSION**

In view of the above remarks, and the amendments to the Claims, Applicant respectfully submits that all remaining Claims 1-23 have been placed in a condition for allowance, and requests that they be allowed. Early notice to this effect is solicited.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 50-1338 (Docket No. ICTVP002).

Respectfully submitted,

IP CREATORS



Charles C. Cary  
Registration No. 36,764

Date: May 16, 2005

P.O. Box 2789  
Cupertino, CA 95015  
Tel: (408) 850-9585  
Fax: (408) 850-9585  
*E-mail: cccary@ipcreators.com*